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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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08/03/2001

Jon E. Beck

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08/17/2006

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EXAMINER

SCHELL, LAURA C

ART UNIT

PAPER NUMBER

3767

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/922,559		BECK ET AL.	
	Examiner		Art Unit	
	Laura C. Schell		3767	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21,22,24-26,29,31,32,34-37,39,41-50 and 52-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Fig. 3 contains the reference number "78" which is not found in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 21, 22, 26, 29, 31, 32, 34, 35, 39, 41, 44, 47, 48, 49, 50, 52, 53, 57 and 59 are objected to because of the following informalities, all of which are grammatical errors which need to be corrected.

With respect to claim 21, line 11 contains the phrase "on the eye being maintained" which should be changed to "on the eye is maintained" for the correct

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grammatical form, which also allows the claim to read more clearly and distinguish what is being claimed.

With respect to claim 22, lines 2-3 of the claim has the phrase "on the eye being facilitated by abutment of lateral straddling member" which should be changed to "on the eye is facilitated by the abutment of the lateral straddling member". In particular, the rest of the claims in the application contain "the" in front of particular structures of the device, and it is appropriate to insert it here as well.

With respect to claim 26, line 2 contains the phrase "biasing abutment" which should be changed to "biasing the abutment".

With respect to claim 29, line 2 contains the phrase "maintains abutment" and line 3 contains "and abutment". The word "the" should be inserted in front of the word "abutment" in each case above.

With respect to claim 31, "wherein the handle including a wire" should be changed to "wherein the handle includes a wire".

With respect to claim 32, "the handle being" should be changed to "the handle is".

With respect to claim 34, line 8 contains the phrase "the eye being maintained by" which should be changed to "the eye is maintained by". Line 10 further contains the phrase "biasing abutment" which should be changed to "biasing the abutment".

With respect to claim 35, line 1 contains the phrase "maintaining placement" which should be changed to "maintaining the placement". Line 2 contains the phrase

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“the eye being facilitated by abutment” which should be changed to “the eye is facilitated by the abutment”.

With respect to claim 39, the first and second lines contain the phrase “wherein the registration member comprising” which should be changed to either “the registration member further comprising” or “wherein the registration member comprises”.

With respect to claim 41, line 2 contains the phrase “maintains abutment” and line 3 contains “and abutment”. The word “the” should be inserted in front of the word “abutment” in each case above.

With respect to claim 44, the first and second lines contain the phrase “wherein the handle member comprising” which should be changed to either “the handle member further comprising” or “wherein the handle member comprises”.

With respect to claim 46, the first line contains the phrase “the handle including” which should be changed to “the handle includes”.

With respect to claim 47, the second line contains the phrase “registration member including” which should be changed to “registration member includes”.

With respect to claim 48, the first line contains “the handle being” which should be changed to “the handle is”, and the second line contains “and extending therefrom” which should be changed to “and extends therefrom”.

With respect to claim 49, the second line contains “being unitarily configured” which should be changed to “is unitarily configured”, and the phrase “extending therefrom” should be changed to “extends therefrom”.

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With respect to claim 50, the first line contains "the handle being" which should be changed to "the handle is".

With respect to claim 52, line 10 contains "the eye being maintained" which should be changed to "the eye is maintained". Line 12 contains "biasing abutment" which should be changed to "biasing the abutment".

With respect to claim 53, line two contains "the eye being facilitated by abutment of lateral" which should be changed to "the eye is facilitated by the abutment of the lateral". Line three contains "the medial straddling member" which should be changed to "the abutment of the medial straddling member".

With respect to claim 57, line two contains "maintains abutment" which should be changed to "maintains the abutment", while line three contains "and abutment" which should be changed to "and the abutment".

With respect to claim 58, the phrase "handle including a wire" should be changed to "handle includes a wire".

With respect to claim 59 contains "handle being unitarily" which should be changed to "handle is unitarily" and the phrase "extending therefrom" should be changed to "extends therefrom".

Allowable Subject Matter

Claims 21, 22, 24-26, 29, 31, 32, 34-37, 39, 41-50, 52-59 are allowed, provided all objections are overcome.

The following is an examiner's statement of reasons for allowance: The subject matter of the independent claims could either not be found or was not suggested in the

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prior art of record. The subject matter not found was the structural features of the handle including lateral and medial straddling members, facilitating the placement of a medicament containment member on the eye, as well as the distinct connections between all structural members claimed.

Conclusion

This application is in condition for allowance except for the following formal matters: the above objection to the drawing must be corrected, as well as all the grammatical errors pointed out above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Schell whose telephone number is (571) 272-7881. The examiner can normally be reached on Monday-Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER
